Nos. 14-556, 14-562, 14-571 and 14-574

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IN THE

Supreme Court of the United States

JAMES OBERGEFELL, *et al.*, AND BRITTANI HENRY, *et al.*,
Petitioners,

v.

RICHARD HODGES, DIRECTOR,
OHIO DEPARTMENT OF HEALTH, *et al.*,
Respondents.

VALERIA TANCO, *et al.*,
Petitioners,

v.

WILLIAM EDWARD "BILL" HASLAM,
GOVERNOR OF TENNESSEE, *et al.*,
Respondents.

(For continuation of caption see inside cover)

ON WRITS OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF OF *AMICI CURIAE* LAW ENFORCEMENT OFFICERS, FIRST RESPONDERS, AND ORGANIZATIONS IN SUPPORT PETITIONERS

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v.

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Respondents.

GREGORY BOURKE, *et al.*, AND TIMOTHY LOVE, *et al.*,

Petitioners,

v.

STEVE BESHEAR, GOVERNOR OF KENTUCKY, *et al.*,

Respondents.

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INTEREST OF *AMICI CURIAE*[1]

Amici curiae are active duty or retired police, firefighters, emergency medical technicians, i.e. first responders, including 28 current and retired sheriffs, department chiefs, deputy chiefs, and battalion chiefs of police, fire, and public safety departments, and 181 rank and file in 28 states. Amici also include several police departments and not-for-profit organizations that support gay and lesbian first responders. Collectively, they represent thousands of active duty and retired first responders that serve and protect our communities.

A complete list of amici can be found in Appendix A. The individual amici submit this brief on their own behalf. Their views do not necessarily reflect the views of their employers.

SUMMARY OF THE ARGUMENT

Gay and lesbian law enforcement officers and other first responders put on their uniforms, place themselves in harm's way to protect and defend our communities, and swear to uphold our laws without prejudice or bias. They serve our communities with equal distinction, skill, and bravery. But many states, including the states represented by Respondents, deny these men and women the equal dignity and respect they deserve. The states

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1. No counsel for a party authored this brief in whole or in part and no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No one other than the *amici curiae*, or their counsel, made a monetary contribution intended to fund such preparation or submission. The Respondents have filed blanket consents with the Court consenting to the filing of all *amicus* briefs. The Petitioners' consents are being submitted herewith.

of the Sixth Circuit, as well as other states that continue to discriminate on the basis of sexual orientation, do not treat gay and lesbian first responders equally in their day-to-day work, nor, tragically, when they make the ultimate sacrifice. Amici submit this brief to explain why the laws banning marriage equality in Respondents' states directly deprive amici of their Constitutionally-protected liberty interests and why the Fourteenth Amendment's guarantee of equal protection requires reversal of the rulings of the Sixth Circuit to require the Respondents' states to allow same sex couples to marry, and to respect and enforce valid marriages that same sex couples contract out-of-state.

Amici's experience confirms that the Respondent's laws banning marriage equality must be subjected to heightened scrutiny because all four of the factors are present that this Court's jurisprudence identifies as determinative. First, gays and lesbians have suffered a long history of discrimination, often at the hands of law enforcement, as amici can confirm, and these state laws (like laws that formerly banned consensual adult relations) stigmatize gays and lesbians by depriving them of a fundamental liberty interest, the right to marry. Second, amici are also a testament to the fact that sexual orientation bears no relation to one's ability to perform in or contribute to society. Amici serve their communities every day whether they happen to go home to an opposite-sex spouse or a same-sex spouse or partner. The available data shows that sexual orientation has no bearing on first responders' on-the-job performance. Third, discrimination against gays and lesbians is based on an immutable and distinguishing characteristic — their sexual orientation — that defines them as a group. Fourth and finally, gays

and lesbian are a group with limited ability to protect itself from majority action in the political process. The laws on appeal highlight the overwhelming political forces that gays and lesbians are powerless to overcome without the protection of the Fourteenth Amendment. Our constitutional design relies on the judiciary to serve as the bulwark against these unconstitutional intrusions on the equal dignity of all citizens.

Indeed, laws that bar same-sex couples from marrying should be held unconstitutional under any level of scrutiny. The differing treatment of gay and lesbian first responders advances no government interest. Sexual orientation bears no relation to one's ability to perform in or contribute to society. If anything, the Respondents' laws banning same-sex marriage have no sensible grounding for second-class treatment.

The practical consequences of these discriminatory laws are very real to amici, and undoubtedly are intentional. Laws that discriminate based on sexual orientation by design and effect convey a message that gays and lesbians are second class citizens, worthy of government disdain and unequal treatment under law. These messages pervade the communities in which gay and lesbian first responders exist. As a result they suffer workplace discrimination and harassment, and their jobs – protecting their communities – are made unnecessarily more difficult. These laws also endanger gay and lesbian members of the community by giving a government imprimatur to discrimination and hostility toward them.

In addition to the message of legal discrimination, the denial of the right to marry also leads to the

discriminatory denial of other legal rights and benefits. Marriage is, after all, a right to other rights, like health and employment benefits, property rights, and tax rights. Heterosexual first responders colleagues go to work knowing that, should tragedy befall them in the line of duty, the communities they serve will come to their family's aid with financial resources, healthcare, and higher education. Not so for gay and lesbian first responders who are deprived of many of these benefits by virtue of being unable to marry. Their partners may not have access to the resources necessary to protect and support their families in the event that their partner makes the ultimate sacrifice.

The Fourteenth Amendment's guarantee of Equal Protection demands *equality* of *protection* for all those who serve. Respondents' laws are unequal and offer gays and lesbians *no* protection. The judgment of the Sixth Circuit must be reversed, as the Fourteenth Amendment requires states to allow same sex couples to be married and have their valid out-of-state marriages recognized.

ARGUMENT

I. AMICI'S EXPERIENCES SHOW WHY LAWS THAT CLASSIFY BASED ON SEXUAL ORIENTATION SHOULD BE SUBJECTED TO HEIGHTENED SCRUTINY

Legislation is generally presumed valid as long as the "classification drawn by the statute is rationally related to a legitimate state interest." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985). But when legislation classifies on the basis of a factor that "generally

provides no sensible ground for different treatment," the Fourteenth Amendment's guarantee of equal protection requires the government to meet a higher burden to justify the classification. *Id.* at 440-41.

This Court has not yet identified the level of scrutiny to apply to laws that classifybased on sexual orientation. *See Romer v. Evans*, 571 U.S. 620, 632 (1996) (law at issue failed "*even*" rational-basis review); *Lawrence v. Texas*, 539 U.S. 558, 578 (2003) (holding unconstitutional a Texas statute that criminalized homosexual sodomy, but without announcing a level of review). It bears emphasis that the sexual orientation classifications in the cases that this Court has decided failed to survive even the most forgiving scrutiny.

This Court ordinarily considers four factors in deciding whether to subject to heightened scrutiny a law that singles out a particular group: (a) whether the class has been historically "subjected to discrimination," *Bowen v. Gilliard*, 483 U.S. 587, 602 (1987); (b) whether the class has a defining characteristic that bears on its "ability to perform or contribute to society," *Cleburne*, 473 U.S. at 440–41; (c) whether the class exhibits "obvious, immutable, or distinguishing characteristics that define them as a discrete group;" *Bowen*, 483 U.S. at 602; and (d) whether the class is "a minority or politically powerless." *Id.*

A. Gays and Lesbians Have Been Subject To A History Of Discrimination and Violence

Gays and lesbians have suffered a long history of state-condoned and private discrimination, which persists in numerous ways today. Amici offer their unique perspective

with regard to several examples that underscore this conclusion.

Law Enforcement and the Gay Community. While amici have been aggressively trying to reverse the historical patterns, the history of discrimination of sexual minorities *by law enforcement* runs deep. Even before the Stonewall riots of 1969, liquor-licensing laws were used as pretext to raid establishments frequented by gays and lesbians. William N. Eskridge, Jr., *Privacy Jurisprudence and the Apartheid of the Closet, 1946-1961*, 24 Fla. St. U. L. Rev. 703, 761-66 (1997). It has also been thoroughly documented that police have relied on a variety of other laws (lewdness, vagrancy, and disorderly conduct) to harass gays and lesbians. *See, e.g.*, Steven A. Rosen, *Police Harassment of Homosexual Women and Men in New York City 1960-1980*, 12 Colum. Hum. Rts. L. Rev. 159, 162-64 (1980-81). Among other results the research establishes that these experiences cause a distrust that undermines law enforcement by making gays and lesbians less likely to identify themselves as victims of crime or cooperate with the police.

While many jurisdictions have recently improved the relationship between law enforcement and the LGBT community in certain parts of the country,[2] research suggests that abuses remain. Amnesty International, *Stonewalled: Police Abuse and Misconduct Against*

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2. Christy Mallory, Amira Hasenbush, and Brad Sears, *Discrimination Against Law Enforcement Officers on the Basis of Sexual Orientation and Gender Discrimination: 2000 to 2013*, § IV.D, William Inst. (Nov. 2013) (*available at:* http://williamsinstitute.law.ucla.edu/wp-content/uploads/Law-Enforcement-Discrim-Report-Nov-2013.pdf)("Williams Institute (2013)").

Lesbian, Gay, Bisexual and Transgender People in the U.S. (Sept. 21, 2005).[3]

Studies also establish a direct connection between stigma and crime. Nationally, sexual minorities are less likely to report incidents of violence, particularly if they involve sexual-orientation bias, likely due to the stigma involved and the history of inadequate response by authorities. Kristina B. Wolff & Carrie L. Cokely, *"To Protect and to Serve?": An Exploration of Police Conduct in Relation to the Gay, Lesbian, Bisexual and Transgender Community*, 11 (1) Sexuality & Culture, 1,3, 19 (2007). The phenomenon of "minority stress," often experienced by gays and lesbians, is also correlated to crimes. Katie M. Edwards & Kateryna M. Sylaska , *The Perpetration of Intimate Partner Violence Among LGBTQ College Youth: The Role of Minority Stress*, 42 J. Youth Adolescence, 1721, 1728-29 (2013) (observing that "internalized homonegativity may be the most salient minority stress correlate of the perpetration of same-sex partner violence" and "the results of this study underscore the utility of understanding partner violence among LGBTQ youth through a minority stress framework"); Ethan H. Mereish, Conall O'Cleirigh & Judith B. Bradford , *Interrelationships Between LGBT-Based Victimization, Suicide, And Substance Use Problems in a Diverse Sample of Sexual and Gender Minorities*, 19(1) Psychology, Health & Med., 1-13 (2014).

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3. *Available at:* https://www.amnesty.org/en/library/asset/AMR51/122/2005/en/2200113d-d4bd-11dd-8a23-d58a49c0d652/amr511222005en.pdf.

Hate Crimes. The FBI's hate crime statistics show that gay and lesbian people experience the second highest volume of bias-motivated crimes, following only racial minorities, and ahead of hate crimes based on religion, ethnicity/national origin, and disability. *See* FBI, *Latest Hate Crime Statistics* (November 2013).[4] Of all hate crimes reported in 2012, the most recent year with available data, 19.6% resulted from sexual-orientation bias.

In 2009, Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act., Pub. L. 111-84, Div. E, §§ 4707(a), 123 Stat. 2838 (2009), codified at 42 U.S.C. §§ 3716, 3716(a), 18 U.S.C. §§ 249 and 1389. In seeking to curb hate crimes, Congress made legislative findings acknowledging the link between sexual-orientation bias and violence. *See* 18 U.S.C.A. § 249 ("Editor's and Revisor's Notes"). Particularly relevant here are the following findings:

> (1) The incidence of violence motivated by the actual or perceived . . . sexual orientation [or] gender identity poses a serious national problem.
>
> (2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.
>
> ...
>
> (5) A prominent characteristic of a violent crime motivated by bias is that it devastates

4. *Available at:* http://www.fbi.gov/news/stories/2013/november/ annual-hate-crime-statistics-show-slight-decease

> not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.
>
> ...
>
> (10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

Id. Congress's conclusion reflects a considered judgment that gays and lesbians have confronted significant violence based on their membership, or perceived membership, in a class.

Employment Discrimination. In public and private employment, discrimination against gays and lesbians is prevalent.[5] There is no federal nondiscrimination law protecting gays and lesbians, leaving a patchwork of

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5. *See, e.g.*, Matt Apuzzo, *Uncovered Papers Show Past Government Efforts to Drive Gays From Jobs*, N.Y. Times (May 20, 2014) at A13 (reporting on newly discovered documents showing that the Civil Service Commission had a "tendency to 'lean over backwards' to rule against a homosexual") (*available at:* http://www.nytimes.com/2014/05/21/us/politics/uncovered-papers-show-past-government-efforts-to-drive-gays-from-jobs.html); Exec. Order 10450 (authorizing investigations into sexual activities of government employees); Brad Sears et al., *Documenting Discrimination on the Basis of Sexual Orientation and Gender Identity in State Employment*, William Inst. (Sept. 2009) (*available at:* http://williamsinstitute.law.ucla.edu/research/workplace/ documenting-discrimination-on-the-basis-of-sexual-orientation-and-gender-identity-in-state-employment/).

state and local laws. Williams Institute (2013) § IV.D. Tennessee, Kentucky, and Ohio are among the 29 states that do not prohibit employment discrimination based on sexual orientation and gender identity, and though Michigan prohibits employment discrimination based on sexual orientation, it permits discrimination based on gender identity. *See* Human Rights Campaign, *Employment Non-Discrimination Act*; Human Rights Campaign, *HRC Local*.[6]

Issues of employment discrimination based on sexual orientation are particularly troublesome for men and women in law enforcement. Gay officers who chose to come out or who were known to be gay frequently reported harassment, and cases of threatened physical abuse and failure to provide back up to gay cops in serious situations have been corroborated. Aaron Belkin & Jason McNichol, *Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department*, 5(1) Police Quarterly, 63, 64 (2002).

According to a study conducted by the Williams Institute at UCLA School of Law, discrimination and harassment against law enforcement and corrections officers who do not conform to sexual stereotypes continues to be pervasive throughout the United States. Williams Institute (2013), Executive Summary. This discrimination includes firing or demotions, verbal, physical, and sexual harassment. *Id.* The Williams Institute report identifies

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6. Available at: http://www.hrc.org/resources/entry/employment-non-discrimination-act; http://www.hrc.org/states/ohio; http://www.hrc.org/states/kentucky; http://www.hrc.org/states/tennessee; http://hrc.org/states/michigan.

95 cases of documented discrimination from 28 states and the District of Columbia. *Id.*, Executive Summary (summarizing reports of discrimination) and Appendix A (listing and describing each case); *see also Barnes v. City of Cincinnati*, 401 F.3d 729, 733-35 (6th Cir. 2005) (affirming jury award of more than $500,000 to a Cincinnati police officer harassed and fired after making plans to transition from male to female); *Sorrenti v. City of New York*, 17 Misc.3d 1102(A) (N.Y. Sup. Ct. 2007) (affirming jury verdict awarding $1.4 million to an officer discriminated against based on his perceived sexual orientation and to two other officers retaliated against for defending him); *Salvi v. Suffolk Cnty. Sheriff's Dep't*, 855 N.E.2d 777 (Mass. App. Ct. 2006) (affirming a jury verdict of over $600,000 for pervasive discrimination based on sexual orientation and a hostile work environment); *Weeks v. Suffolk Cnty. Police Dept.*, E.D.N.Y No. 03-cv-4294, Memorandum and Order, Apr. 28, 2005, ECF No. 47.(affirming a jury award of $230,000 against a department that ordered an officer to relinquish his weapon based upon an unfounded complaint that he was gay and then subjected him to prolonged harassment and wrongful termination).

The lack of state-wide laws in Kentucky, Ohio, Tennessee, and Michigan that prohibit employment discrimination based on sexual orientation and/or gender identity in allows officers to be fired for even being perceived to be gay or lesbian. Moreover, even in jurisdictions where blatant discrimination is unlawful, potential difficulties with promotion remain. Aaron Belkin & Jason McNichol, *Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department*, 5(1) Police Quarterly, 63, 89 (2002).

A survey of police officers revealed that lesbian and gay officers face barriers to equal employment opportunities similar to those faced by women and other minorities in law enforcement. Roddrick Colvin , *Shared Perceptions Among Lesbian and Gay Police Officers: Barriers and Opportunities in Law Enforcement Work Environment*, 12(1) Police Quarterly, 86 (2008). Surveys have shown discrimination in promotion was the most common barrier to equal employment opportunity in law enforcement (22%), followed by assignments (17%) and evaluations (16%). *Id.* at 95. In Texas, as recently as 2008, half of Texas police chiefs responding to a survey said they would have difficulty working with a gay man, while 62% indicated they believed homosexuality constituted "moral turpitude." Phillip M. Lyons, Jr., Michael J. DeValve & Randall L. Garner, *Texas Police Chiefs' Attitudes Toward Gay and Lesbian Police Officers*, 11(1) Police Quarterly, 102, 110 (2008).

These are but a few examples of the long history of discrimination against gays and lesbians.

B. Sexual Orientation Is Irrelevant to One's Ability to Perform in or Contribute to Society

Law enforcement and first responders' careers are among the most demanding in our society. Nevertheless, studies have consistently concluded that gays and lesbians meet or exceed expectations in these careers and do not diminish the department's effectiveness. A study of the San Diego Police Department ten years after it began intentionally integrating gay and lesbian officers concluded that increasing participation of self-disclosed gays and lesbians did not lead to any overall negative

consequences for performance, effectiveness, recruiting, morale, or other measures of well-being. Aaron Belkin & Jason McNichol , *Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department*, 5(1) Police Quarterly, 63, 65 (2002). Indeed, several respondents reported that increasing participation of gay cops on the beat improved the quality of neighborhood policing in the city. *Id.* at 87. Other studies have shown no differences in job-performance measures among police officers who identified themselves as gay, lesbian, or heterosexual. *See,* Deirdre Hiatt & George E. Hargrave , *Psychological Assessment of Gay and Lesbian Law Enforcement Applicants*, 63(1) J. of Personality Assessment, 80, 85 (1994). Amici are aware of no published study to the contrary. Moreover, in a similar vein, Congress repealed the "Don't Ask, Don't Tell" policy in September 2011 because it failed to improve the operations of the Armed Forces. Don't Ask, Don't Tell Repeal Act of 2010, Pub. L. 111-321, 124 Stat. 3515 (2010).

Amici, and the thousands of first responders they represent, risk their lives, and stand shoulder-to-shoulder with their colleagues, in protecting and serving our communities. Their sexual orientation is irrelevant to their ability to perform their jobs and contribute to the well-being of our society.

C. The Other Relevant Criteria Also Support the Application of Heightened Scrutiny

The final two criteria that a court considers in deciding whether heightened scrutiny is needed — whether the class exhibits "obvious, immutable, or distinguishing characteristics that define them as a discrete group;" and

whether the class is "a minority or politically powerless" — also require subjecting laws banning same-sex couples' civil marriage rights to heightened scrutiny.

A classification may be constitutionally suspect even if it rests on a characteristic that is not readily visible. *See Mathews v. Lucas*, 427 U.S. 495, 504, 506 (1976) (illegitimacy); *Graham v. Richardson*, 403 U.S. 365, 372 (1971) (alienage). As other courts have recognized, sexual orientation is "fundamental to one's identity" and is a characteristic that one should "not be required to abandon" to receive fair treatment. *Hernandez-Montiel v. INS*, 225 F.3d 1084, 1093 (9th Cir. 2000). Moreover, significant social science supports the conclusion that sexual orientation is immutable. *Id.*

Gays and lesbians, as a class, are also a politically weakened minority. Nothing better illustrates this point than the state constitutional amendments adopted through constitutional referendums supported by majorities, in some cases overwhelming majorities. These constitutional amendments place beyond all but the farthest reach any possibility of same sex couples obtaining equal access to civil marriage rights. *Cf. Romer v. Evans*, 517 U.S. 620, 630 (1996) (describing the far reach of an amendment to the Colorado state constitution that prohibits any official act to prevent discrimination based on sexual orientation, such that a Colorado official would run afoul of the amendment merely be considering its validity under other laws that prohibit arbitrary governmental discrimination).

II. THE REFUSAL TO RECOGNIZE SAME-SEX COUPLE'S MARRIAGES DENIES FIRST RESPONDERS THE RESPECT AND DIGNITY THEY DESERVE AND PUTS THEM IN HARM'S WAY

As noted above, discrimination against gay and lesbian officers is well documented. *See* Williams Institute (2013). Denying first responders the right to marry a person of the same sex is another form of discrimination, which results in these men and women being treated as "second class," rather than affording them the full measure of dignity and respect that they deserve.

State recognition of the relationships of same-sex couples is significant for many, but especially for our first responders who risk their lives each day serving our communities. Not only do many have committed partners that must be cared for, but many also have children as well. As this Court has recognized, barring same-sex partners from marrying "humiliates tens of thousands of children now being raised by same-sex couples," which makes it "more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and their daily lives." *United States v. Windsor*, 133 S.Ct. 2675, 2694 (2013). Many federal courts have recognized this important impact that marriage has on children — including each of the district courts reversed by the Sixth Circuit in *DeBoer v. Snyder* — concluding that it provides a reason in favor of, not against, the right of same-sex couples to wed. *E.g. Baskin v. Bogan*, 766 F.3d 648, 654 (7th Cir. 2014); *Bostic v. Schaefer*, 760 F.3d 352, 383 (4th Cir. 2014); *Kitchen v. Herbert*, 755 F.3d 1193, 1226 (10th Cir. 2014);

Latta v. Otter, 771 F.3d 456, 472 (9th Cir. 2014); *Henry v. Himes*, 14 F.Supp.3d 1036, at 1053-1057 (S.D. Ohio Apr. 14, 2014); *Bourke v. Beshear*, 996 F.Supp.2d 542, 547 (W.D. Ky. 2014); *DeBoer v. Snyder*, 973 F.Supp. 2d 757, 771 (E.D. Mich. 2014); *Tanco v. Haslam*, 7 F.Supp.3d 759, 769 (M.D. Tenn. 2014).

The states' refusal to treat *all* citizens with dignity and respect also makes it more difficult for gay and lesbian officers to live openly and honestly. Closeted personnel who fear being identified as gay or lesbian are unlikely to come forward to complain about problems, especially because they are uncertain how supervisors may respond. Aaron Belkin & Jason McNichol, *Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department*, 5(1) Police Quarterly, 63, 73 (2002). Before coming out for the first time, virtually all respondents had concerns that a number of close colleagues would reject them or refuse to work with them, or that they would be fired. *Id.* at 77. Even in San Diego, a city which has been on the vanguard of recruiting a diverse cadre of officers, many gay male officers still choose to remain closeted, as do some lesbians, likely to the detriment of their own mental health and the long-term well-being of their units. *Id.* at 90. Thus, gay and lesbian law enforcement officers and first responders in states that do not recognize sexual orientation as a protected class are dependent upon the good will of their colleagues or upon their own ability to keep their sexual orientation secret. Phillip M. Lyons, Jr., Michael J. DeValve & Randall L. Garner, *Texas Police Chiefs' Attitudes Toward Gay and Lesbian Police Officers*, 11(1) Police Quarterly, 102, 105 (2008).

The need to keep one's sexual orientation secret not only means increased stress for the officer, but may also have profound impact on the individual's loved ones. Most significantly, closeted gay and lesbian officers may not inform their department of the name and contact information of their same-sex partner. Thus, if the officer is injured in the line of duty, the department would be unaware of the need to notify the officer's partner or bring that individual to the hospital to make critical medical decisions.

The state-sponsored discrimination may also place gay and lesbian law enforcement officers and other first responders in harm's way, as it reflects an official position that these individuals do not deserve the same degree of respect and dignity as their heterosexual colleagues. *Cf. Windsor*, 133 S.Ct. at 2694 (laws against the recognition of marriage between same-sex couples "tells those couples, and all the world, that their otherwise valid marriages are unworthy of federal recognition. This places same-sex couples in an unstable position of being in a second-tier marriage. The differentiation demeans the couple, whose moral and sexual choices the Constitution protects. . . .").

Research shows that police officers commonly make decisions that reflect the policies, practices and attitudes of their departments, suggesting that institutional responses are important to determining how heterosexual officers will engage with their gay and lesbian colleagues. Kristina B. Wolff & Carrie L. Cokely, *"To Protect and to Serve?": An Exploration of Police Conduct in Relation to the Gay, Lesbian, Bisexual and Transgender Community*, 11(1) Sexuality and Culture, 1, 4 & 19 (2007). Conversely, in Departments that have fully integrated gay and

lesbian officers and firmly enforce a policy of equality, officers have not reported concerns about whether their heterosexual colleagues would provide backup in dangerous situations. Aaron Belkin & Jason McNichol , *Pink and Blue: Outcomes Associated with the Integration of Open Gay and Lesbian Personnel in the San Diego Police Department*, 5(1) Police Quarterly, 63, 86 (2002). Thus, not only do discriminatory policies, like the States' ban on marriage between same-sex couples, deny these individuals dignity, they also contribute to an environment in which gay and lesbian law enforcement officers are more likely to be subjected to discrimination and harassment while on duty.

III. THE REFUSAL TO HONOR THE MARRIAGES OF SAME-SEX COUPLES UNIQUELY HARMS FIRST RESPONDERS

It is dangerous work that this country asks its law enforcement officers to do: protect our communities against violent offenders. Each year, there are tens of thousands of assaults committed against law enforcement officers. Nationwide, over 20,000 police officers have died in the line of duty since such deaths were recorded. National Law Enforcement Officers Memorial Fund ("NLEOMF"), Law Enforcement Facts.[7] Of those deaths, 2,374 were served within the Sixth Circuit. NLEOMF, Officer Deaths by State.[8]

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7. *Available at:* http://www.nleomf.org/facts/enforcement/.

8. *Available at:* http://www.nleomf.org/facts/officer-fatalities-data/state.html.

As this Court has repeatedly recognized, marriage confers a multitude of benefits. *See, e.g., Windsor*, 133 S.Ct. at 2694 (discussing the over 1,000 federal regulations impacted by marriage and noting that significant benefits and responsibilities are also imposed by state law). Appreciating the dangers of the job, the federal government and states have implemented various benefit programs to provide first responders and their families the peace of mind of knowing that they will be taken care of if something happens to them in the line of duty. But state laws deny these protections to the survivors of gay and lesbian fallen heroes, because it refuses to allow them to enter into or otherwise recognize the marriages of same-sex couples. The denial of benefits is particularly harmful and discriminatory to the families of gay and lesbian law enforcement officers, who, again, are asked every day to take the same risks and make the same sacrifices as their straight colleagues.

A. The Lack of Marriage Equality Impacts Benefits Provided by Federal Law to Families of Public Safety Officers Killed in the Line of Duty

The states' refusal to permit same-sex marriages imposes an unfair burden on gay and lesbian officers who seek to ensure that their partner will receive significant federal benefits if the officer is injured or killed in the line of duty. The Public Safety Officers' Benefits (PSOB) Program provides a one-time financial payment to the "spouses" of public safety officers that die in the line of duty. *See* 42 U.S.C. § 3796. Currently, the financial benefit is $339,310.00. *See* https://www.psob.gov/. PSOB also provides educational benefits to the spouses and children

of officers who die in the line of duty or are catastrophically disabled. 42 U.S.C. § 3796d-1.

Since *Windsor* and through subsequent rule changes adopted by the Office of Justice Programs, federal law extends benefits to the spouses of gay and lesbian law enforcement officers killed in the line of duty, regardless of whether the officer's state of residence recognized the marriage. Unfortunately, this falls short of creating real equality for those serving in the states within the Sixth Circuit.

Because of the on-going state bans, gay and lesbian officers will be required to travel to another state to be married, an additional burden that heterosexual couples do not have to endure. Even if it were easy, it remains demeaning to deny gay and lesbian officers the opportunity to celebrate their commitment to one another in the communities that they dedicate their lives to serving, just so that they may be eligible for these federal benefits.

B. The Families of Gay and Lesbian Officers Are Denied Significant Benefits Under State Law

The survivors of law enforcement officers and many first responders killed in the line of duty are also entitled to many state benefits. In many states, including those in the Sixth Circuit, the receipt of these benefits is significantly and adversely impacted by the state's refusal to permit same-sex couples to be married in the state or to recognize lawful marriages performed elsewhere. A few examples from each of the states in the Sixth Circuit, and select examples from outside the Sixth Circuit, are set forth below.

1. All States in the Sixth Circuit—Ohio, Michigan, Kentucky, and Tennessee—Provide Benefits to Spouses and Children of First Responders Using Definitions that Exclude Same-Sex Partners and Their Children

Ohio: Ohio created the public safety officers death benefit fund to care for the families of law enforcement officers and firefighters killed in the line of duty. Ohio Rev. Code § 742.62(West 2007). It provides a death benefit equal to the officer's or firefighter's full salary (less certain deductions for other state benefits) until such time as the officer or firefighter would have reached retirement. *Id.* at § 742.63(A)(11). The benefits are only paid to a spouse, children, or dependent parents. *Id.* at § 742.63(D) – (E). Ohio also provides spouses and children of officers killed in the line of duty free tuition at state universities and colleges. Ohio Rev. Code Ann. § 3333.26 (West 2007).

Because Ohio does not permit gay and lesbian couples access to civil marriage, these benefits are not available to committed partners if a gay or lesbian officer dies in the line of duty. Ohio also does not extend parental rights to unmarried couples. Ohio courts have held that non-biological gay or lesbian parents do not have the right to adopt the couple's children, unless the biological parent relinquishes his or her own custody rights. *See In re Adoption of Doe,* 719 N.E.2d 1071, 1072-73 (Ohio App. 3d 1998)). As a result, the children of fallen law enforcement and other public safety officers may also be denied these benefits because of the state's refusal to permit their parents to marry.

Kentucky: Kentucky provides a lump sum payment of $80,000 to a "surviving spouse" of a police officer, firefighter and other first responders killed in the line of duty. Ky. Rev. Stat. Ann. § 61.315 (West 2013). The state may also provide an additional $25,000 to officer serving in certain municipalities. Ky. Rev. Stat. Ann. § 346.155 (West 2013). Widows and children of officers killed or permanently injured or disabled in the line of duty are also eligible for free tuition at a state-supported college. Ky. Rev. Stat. Ann. §§ 164.2841 & 164.2842 (West 2013). Both provisions require the "spousal relationship" to "be shown by a marriage certificate or other documentary evidence." *Id.*

With regard to an officer's retirement account, Kentucky law also discriminates against the families of gay and lesbian officers. When officers in certain jurisdictions designate someone other than a "spouse" or "child" to receive death benefits, the amount of the benefits is limited to the total contributions made to the plan by the officer. *See, e.g.*, Ky. Rev. Stat. Ann. § 95.865 (West 2013). A lawfully recognized widow, on the other hand, would receive those benefits plus a percentage of the officer's salary. Ky. Rev. Stat. Ann. § 95.860 (West 2013).

In Kentucky, the children of same-sex couples also lack full protection in Kentucky if their non-biological parent dies or is seriously injured in the line of duty. Kentucky courts have held that Kentucky does not allow non-biological gay or lesbian parents to adopt children that are born to their partners. *See, e.g., S.J.L.S. v. T.L.S.*, 265 S.W.3d 804 (Ky. App. 2008) (concluding that the "overwhelmingly obvious answer" is that Kentucky law forbids courts from legally recognizing these relationships,

even if it is otherwise in the best interest of the child). Thus, under Kentucky law, if the law enforcement officer or first responder is not the biological parent of the couples' child, that child will not be entitled to benefits if his or her parent is killed in the line of duty. *See* Ky. Rev. Stat. Ann. § 164.2841 (West 2013).

Michigan: Michigan provides a one-time payment of $25,000 to the dependents of public safety officers who are killed or permanently disabled in the line of duty. Mich. Comp. Laws Ann. § 28.634 (West 2014). This payment is made to the "surviving spouse," or if there is no spouse, to the officer's dependents. *Id.* While an officer may designate a beneficiary, such a designation is relevant only if the officer has no other dependents. *Id.* The survivors of police officers in Michigan are also eligible for a state-funded pension program, health benefits, and educational benefits. *See* Mich. Comp. Laws Ann. § 38.1601(West 2014) (retirement for state police officers); Mich. Comp. Laws Ann. § 38.556(2) (West 2014) (pension benefits); Mich. Comp. Laws Ann. § 390.1241 (West 2014) (education benefits).

The Michigan Public Safety Officers Benefit Act defines "surviving spouse" to mean "the husband or wife of the deceased officer at the time of the officer's death." Mich. Comp. Laws Ann. § 28.632(j); *see also* Mich. Comp. Laws Ann. § 38.1604 (West 2014). Thus, under Michigan law, a same-sex partner is not automatically eligible to receive these benefits because the same-sex partner is not allowed to become the officer's spouse.

In Michigan, in fact, there is substantial basis to fear that the state may even invalidate beneficiary designations

that would otherwise provide benefits to same-sex partners. Michigan's constitution refuses to recognize "union [s]" "similar" to marriage "for any purpose." MI Const. art. 1, § 25. In *National Pride at Work, Inc. v. Governor of Michigan*, 481 Mich. 56 (2007), the Supreme Court of Michigan held that Michigan law not only denies automatic benefits to same-sex couples, but "prohibits public employers from providing health-insurance benefits to their employees' qualified same-sex domestic partners." 481 Mich. At 87. Application of that same logic could jeopardize designations of same-sex partners made by gay and lesbian officers.

Tennessee: The state of Tennessee provides a one-time payment of $25,000 to fallen officers, firefighters and other first responders. Tenn. Code Ann. §§ 7-51-206 – 7-51-208 (2014). In Tennessee, the benefit is paid "to the estate of" the fallen officer. If there is no will in place, the decedent's estate would be passed to the decedent's children or parents in the event there is no lawfully recognized spouse. Tenn. Code Ann. § 31-2-104 (2014). Thus, the law does not protect same-sex partners of gay and lesbian law enforcement officers, firefighters or other first responders.

2. Many Other States in Jurisdictions that Have Had Marriage Bans Lifted by a Circuit Court of Appeals Provided Benefits to Spouses and Children of First Responders Using Definitions that Exclude Same-Sex Partners and Their Children

In addition to the states within the jurisdiction of the Sixth Circuit, many other states provided benefits to

spouses and children of first responders using definitions that exclude same sex partners and their children. Until the Sixth Circuit ruled otherwise, every other Circuit Court of Appeals to consider the issue found state bans on same-sex marriage to be unconstitutional. The lifting of these bans have inured to the benefit of first responders by negating the limiting effect of the definitions used in the statutes granting benefits to families of first responders. If Respondents prevail here, the first responders in those other jurisdictions will return to the time when their families lacked state support.

Below are some examples of state statutes that would leave the families of first responders without support should the first responder be wounded or killed in the line of duty.

Indiana: Indiana provides a payment of $150,000 to a "surviving spouse" when a police officer or fire fighter dies in the line of duty. Ind. Code Ann. § 36-8-8-20 (West 2012). If there is no surviving spouse, the funds are paid to surviving children. *Id.* The "surviving spouse" also receives a significant monthly pension for the rest of his or her life when their officer or other applicable first responder spouse "dies in the line of duty." Ind. Code Ann. § 36-8-8-14.1 (West 2012).

Ind. Code Ann. §§ 21-14-6-2 and 21-14-6-3 (West 2012) also provide that spouses and children of police officers, fire fighters and other first responders killed in the line of duty will be allowed to attend any state educational institution or state supported technical school in Indiana without paying tuition or fees otherwise applicable to their pursuit of an undergraduate degree.

Idaho: Idaho provides a tax-free payment of $100,000 to a "surviving spouse" of a police officer or fire fighter killed in the line of duty. Idaho Code Ann. § 59-1361A (West 2014). If there is no surviving spouse, the funds are paid to surviving dependent children under the age of 21. *Id.*

Idaho also offers compensation to the surviving spouse and children of fire fighters killed in the line of duty through the State's pension funds. For fire fighters, at least sixty-five percent (65%) of the average Idaho firefighter's salary is paid to the surviving spouse for life or, if there is no spouse, to the firefighter's children until they reach 18 years of age. Idaho Code Ann. § 72-1461 (West 2014).

Idaho Code Ann. § 33-4302 (West 2014), also provides that spouses and dependent children of police officers, fire fighters, paramedics, and EMTs killed in the line of duty, will be allowed to attend any public institution of higher education or public professional-technical college within the state of Idaho without paying tuition or fees, and that the child will be provided free, books, equipment and supplies up to $500 per semester. The institution also provides on-campus housing and meal plans for the recipients.

Texas: Texas provides a payment of $250,000 to a "surviving spouse" when a police officer or fire fighter dies in the line of duty. Tex. Gov't. Code Ann. § 615.021(a)(2)(A) (West 2013). If there is no surviving spouse, the funds are paid to surviving children. *Id.* § 615.022(b). Minor children of police or fire fighters who die in the line of duty also receive a monthly payment until they turn age eighteen. *Id.* § 615.023.

Tex. Educ. Code § 54.351 (West 2013) provides that the children of police officers and fire fighters killed or permanently injured in the line of duty will be allowed to attend any state institution of higher education in Texas without paying tuition or fees otherwise applicable to their pursuit of an undergraduate degree.

Texas's refusal to allow gay and lesbian couples to wed in the state, and the State's refusal to recognize unions legally performed in other states, means that the committed partners of those officers are not entitled to any of these benefits if a first responder in Texas is killed in the line of duty. Moreover, because Texas law restricts the right of loving couples to marry, it also implicates their right to have joint custody over their children. As such, the children of gay and lesbian first responders may also be wrongly denied protections that would be automatically provided to those children born to married heterosexual couples.

Florida: Florida provides death benefits to the families of first responders when a police officer, fire fighter, corrections officer, or other designated first responder dies in the line of duty. Fla. Stat. Ann. § 112.19 (West 2014). Beneficiaries of a first responder who is killed in the line of duty are entitled to a lump sum payment. *Id.* at § 112.19.2(a-c). The beneficiary for the lump sum payment may be a beneficiary designated by the officer and submitted to the employer in writing during his lifetime, a surviving spouse and children, or , in the absence of any spouse or children or designated beneficiary, the first responder's parents. *Id.* at § 112.19.2(d). Other benefits are only available to a spouse or child, without regard to any designation of a beneficiary. For example, under certain circumstances, a surviving spouse and children are

entitled have the entire premium on their health insurance paid by the state. *Id.* at § 112.19.2(g-h). Surviving spouses and children are also entitled to have their educational expenses paid by the state. *Id.* at § 112.19.3.

Florida's refusal to allow gay and lesbian couples to wed in the state, and the State's refusal to recognize unions legally performed in other states, means that the committed partners of those officers are not entitled to any of these benefits if a first responder in Florida is killed in the line of duty.

Moreover, because Florida law restricts the right of loving couples to marry, it also implicates their right to have joint custody over their children. Florida's ban on LGBTQ adoption was held unconstitutional in 2010. *Florida Dep't of Children & Families v. Adoption of X.X.G.*, 45 So. 3d 79, 92 (Fla. Dist. Ct. App. 2010). Though the decision lifts the ban on adoption by LGBTQ parents, it did not create a right for two unmarried persons to jointly adopt a child, or for an unmarried person to co-adopt his partner's child. *See* Fla. Stat. Ann. § 63.042 (West 2014) (listing eligibility for adoption). As such, the children of a gay and lesbian first responder's partner may also be wrongly denied protections and benefits that would be automatically provided to those children born to married heterosexual couples, without regard to the depth or strength the first responder's relationship to the child and his or her parent.

Florida's ban on the recognition of marriages by same-sex couples, and others like it, have real, damaging effects on gay and lesbian law enforcement officers. Officer Lois Marrero of the Tampa police department was shot and killed in the line of duty in 2001. She had been in a long-term committed relationship with her same-sex partner, but despite

the Tampa Police and Fire Pension Board's sympathy, the partner was denied death benefits under the law. Associated Press, *Cop's Companion to Sue for Survivor's Benefits*, Miami Herald, 2002 WLNR 4641676 (Feb. 28, 2002).

As another example, Corporal Dennis Engelhard, a nine-year veteran of the Missouri State Highway Patrol, was killed in the line of duty when a driver lost control of his vehicle and struck and killed him on Christmas Day in 2009. At the time of his death, Corporal Engelhard had been in a long-term relationship with his same-sex domestic partner, Kelly Glossip. Glossip applied for survivor benefits under Missouri law, which, like Ohio, Kentucky, Michigan, and Tennessee, provides survivor benefits to the surviving spouse of a police officer killed in the line of duty. Glossip's claim for benefits was denied. The case was eventually submitted to the Supreme Court of Missouri, which concluded that, even though Missouri state law did not permit Engelhard and Glossip to marry, the lack of marriage prohibited Glossip from obtaining the benefits that would be available to a heterosexual spouse. *Glossip v. Missouri Dept.of Trans.*, 411 S.W.3d 796 (Mo. 2013).

In sum, the ability of a gay and lesbian officer to marry would not only allow them to be treated equally with their peers – *i.e.*, with dignity – but would also ensure them the peace of mind of knowing that the person they love will be cared for if they are killed in the line of duty. Significant state and federal benefits turn on these precise issues, and no alternatives can provide the same level of dignity and protection as civil marriage. This Court's decision can ensure that never again will a law enforcement or other public safety officer worry about whether his state will honor and provide for his family if he is killed while serving his community.

CONCLUSION

Every long, hard, dangerous day that the nation's men and women serve in uniform , they should enjoy the same legal right to the dignity and protection of their spouses and families on equal terms, be they straight or gay. Their states should not deprive them of their constitutionally protected liberty interest in their dignity by demeaning law enforcement officers, first responders, or any other same-sex couple as a second class citizen, whose access to the status, rights, and obligations of marriage have been placed far beyond their reach.

Gay and lesbian public safety officers deserve the peace of mind of knowing that, after the bagpipe has wailed its last somber note and the flag has been folded, the loved ones they have left behind will be provided for on fully equal and dignified terms.

Wherefore, *amici* respectfully pray that the Court reverse the decision below.

Dated: March 6, 2015

Respectfully submitted,

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APPENDIX

APPENDIX

LIST OF AMICI CURIAE LAW ENFORCEMENT OFFICERS, FIRST RESPONDERS AND ORGANIZATIONS

Chief Michael Anderson, Chief of Police, Nashville Police Department

Chief Kimbery Jacobs, Chief of Police, Columbus Division of Police

Chief Richard Biehl, Dayton Ohio Police

Sheriff Scott Israel, Broward County Sheriff's Office

Sheriff John Urquhart, King County Sheriff's Office

Sheriff Adrian Garcia, Harris County, TX

Chief D. Samuel, Chief of Police, St. Louis Metropolitan Police Department

Chief Janee Harteau, Chief of Police, Minneapolis Police Department

Chief Ralph Terrazas, Fire Chief, Los Angeles Fire Department

Chief Charlie Beck, Chief of Police, Los Angeles Police Department

Chief Hugh Clements, Chief, Providence Police Department

Appendix

Chief Clarence Cunha, Chief, Providence Fire Department

Chief Jane Castor, Chief of Police, Tampa Police Department

Chief Kathleen O'Toole, Chief of Police, Seattle Police Department

Chief Carol Cummings, Chief of Police, Bothell Police Department

Chief Gregory Suhr, Chief of Police, San Francisco Police Department

Chief Anthony Bean Burpee, Chief of Police, Gilford (NH) Police Department

Chief Chris Magnus, Chief of Police, Richmond (CA) Police Department

Chief Sylvia Moir, Chief of Police, El Cerrito Police Department

Chief Diana Bishop, Chief of Police, San Rafael Police Department

Chief Sean Devlin, Battalion Chief, Columbus Division of Fire

Chief Jack Reall, Battalion Chief, Columbus Division of Fire

Appendix

Chief Helen Mongan-Rallis, Assistant Chief, North Star Fire & EMS

Leslie Bunch, Sergeant-Deputy Sheriff

Sheriff Amadeo Ortiz (Ret.), San Antonio Texas

Chief Cindy Dick, Fire Chief (Ret.), Tallahassee Fire Department

Chief Cheryl Stewart, Deputy Police Chief (Ret.), Tallahassee Police

Chief James Cannell, Deputy Chief, Columbus Division of Fire

Chief Greg Miraglia, Deputy Chief (Ret.), Napa Valley

Tyler Stonum, Sergeant, Silverthorne Police Department

Robert Comer, Firefighter, Columbus Division of Fire, Columbus, Ohio

Jeffrey Stanforth, Firefighter, Columbus Fire Department, Local Union #67

Tracy Davis, Firefighter/Paramedic, City of Sterling Heights Fire Department

Laura Klein, Firefighter, Columbus Division of Fire

J Scott Daly, Firefighter/Paramedic, Columbus Division of Fire

Thomas Lacey, Firefighter/Paramedic, Columbus Division of Fire

Wendy Stiver, Lieutenant/Commander, Central Inv. Bureau, Dayton Police

Jacquelyn Imwalle, Seargeant, Dayton Police Department

Jay White, President JCFOP Lodge 4, Jersey City Fraternal Order of Police

Brittany Warren, EMT and Dispatcher, Kings Daughters Medical Transport

Eric Schmidt, Captain/Paramedic/Training Officer, Stewart County

Wayne Allbert, Paramedic, EMS

Carmine Disbrow, President, Jersey City Police Officers Benevolent Association

Kris Marrs, Firefighter

Leah Lewellen, Paramedic

Roxy Roberts, Firefighter

Kyle Daniels, EMT-A

William Wolfe, Lieutenant/Supervising Paramedic, Dorchester County EMS

Donna Brown, Police Sergeant (retired), Tallahassee Police Department

Patricia England, Sergeant (retired), Florida Highway Patrol

Trevor Clark, EMT, Putnam EMS

Derek Penton, Paramedic, Acadian Ambulance

Reichele Dufrene, Paramedic, New Orleans EMS

Caroll Weaver, Employee in Healthcare

Thomas Roberts, EMT, Calhoun County EMS

Jennifer Doll, EMT Basic, Custer Ambulance

Sarah Cooley, EMT, United States Air Force

Charles Tisdale, Ambulance Director/Paramedic, Community Pastor Care

Bryone Denton, EMT, Air Methods Corporation

Thomas Sawyer, EMT, AMR

Kathy Bresson, Police Officer, Marshall Police Dept.

Christy Schmakel, Assistant Captain/Secretary, Braham Fire Rescue

Dennis Martin, EMT, Richmond Ambulance Authority

Brian Fernandes, EMT, Putnam EMS

Edward Beverly, EMT, Fair Lawn Volunteer Ambulance Corps.

Jennifer Charlie, Paramedic, Acadian Ambulance

Tom Raudenbush, Officer, Omaha Police Department

Dora Hammond, Paramedic, Alamance County EMS

Nicholas Elliott, Paramedic, St. Vincent

Angela Willis, Deputy, Denver Sheriff Department

Laura Kensington, Detective, Jacksonville Police Department

Lindsay Kensington, Police Officer

Jamie McMennamy, NRAEMT, GEMS911

Alice Jenmy, Officer, Riviera Volunteer Fire Department

James Carroll, Vice President, Jersey City Police Superior Officers Assn

Adam McCarty, NRP, CCEMTP, Lifeguard Ambulance Service

Jessica Trichel, NREMT, FTO, Pafford

Joey Fountain, Supervisor, Lifeguard Ambulance

Samantha Cerra, Officer, Tampa Police Dept

Hayley Hengstebeck, Paramedic, Leon County EMS

Richard Gunn, Detective Cpl., LGBT Fallen Heroes Fund

Michael Bryson, Patrol Officer, Bellevue Police Department

Dora De La Rosa, Officer, Tampa Police Dept

Christoper Welborn, Deputy 1st Class, Escambia County Sheriff's Office

Michael Cavett, Patrol Officer, City of Gainseville Police Department

Jackye McAnn, Flight Paramedic

Adrienne Gonnella, Firefighter, West Sebring Fire Rescue

Windy Plummer, FF EMT, Jacksonville Fire Rescue

Jamie McMennamy, EMT, GEMS911

Felicia Pecora, Sergeant, Tampa Police Department

Susan Libertz, Police Officer, Tampa

Edward Millender, Officer, Florida Department of Corrections

Lori Flick, Detective, Glendale Police Department

Raechel Thrash, EMT Basic, Lifeguard Ambulance of Mobile

Michelle Lingar, Lieutenant, Leon County EMS

Veronica Ray, CPO, G4S

Lorri Reiss, Police Officer (retired) New York City Police Department

Kimberly Jones, Corporal, Tampa Police Department

Kimbery Sanders, Paramedic, Lee County EMS

Mercedes Santana, Police Officer, Tampa Police Department

Erik Rasmussen, State Trooper, Washington State Patrol

Robert La Pene Jr, EMT, Meadowlands Hospital Medical Center

Devin Brewer, Paramedic, Medstar

Sandra Hernandez, Police Officer, Reserved Status

Kimberly Halton, EMT-B, Calhoun County EMS

Jordan Letschert, Patrol Officer, Richardson TX Police Dept.

Alyson Ritter, Detective, Plainfield Police Department

Kelly Lincoln, P-1, Arlington Police Department

Christopher Gorrie, Corporal/Detective, Internal Affairs, Fort Worth Police

Robin Polk, Police Officer, Tampa Police Department

Michele Vetterick, Sergeant, Hillsborough County Sheriff's Office

Anthony Blair, Investigator, Atlanta Police Department

William Wagner, Master Patrol, Police Officer, Tampa Police Department

John Barry, Patrolman, Topsfiled, Mass Police Department

Robert Bissell, Patrolman, EMT, Mt. Morris City PD, Michigan

Bob Breeden, Asst. Special Agent (Ret.), Florida Dept of Law Enforcement

Candice Wolfe, EMT, Lafourche Ambulance District #1

Logan Johnson, Paramedic, Lafourche Ambulance District

Katrina Brewer, EMT, Medstare

Angela Shelton, Paramedic, Reagan County

Katjy Hogan, Flight Paramedic, EMS

Michael Baggott, Detective, Fort Worth Police Department

Shannon Henry, Patrolman, Vanderburgh County Sheriff Office

Marcus Strickland, Investigator, retired, Tallahassee Police Department

Tanya Heinig, Firefighter/Paramedic, WBFD

Signe Anthony, Sergeant, Miami Dade Corrections and Rehabilitation

Anabella Pasqua, Crime Scene Detective, Miami Dade Police Department

Dale Tippit, Lieutenant (retired), Indianapolis Police Department

Kelly Franks, CPO II, Travis County Sheriff

Angelina Hanson, EMB-B, Prompt Ambulance Service

Jennifer Galloway, Paramedic, Lifeguard Ambulance

Colleen Fox, Investigator (Ret.), Hudson County, New Jersey and US Coast Guard

Stephanie Lind, Corporal, Blount County Sheriff's Department

Jessica Johnnie, Patrol Duty, OSCO

Michelle Fotovat, Police Officer, St. Petersburg Police Dept.

Annette Bingham, EMT-B, Bigfork Ambulance Service Association

Tars Hatley, Registered Nurse/Paramedic, Poplar Bluff Regional Medical Center

Thomas Alvey, EMT, East Texas Medical Center EMS

Lanna Allen, Firefighter, Wichita Fire Department

Jeff Fradley, Supervisor, State Agency

David McClelland, Police Dispatcher

Nathalia Anaya, Captain, Hillsborough County Fire Rescue

Kristen Melcher, Chaplain, Department of Veteran's Affairs

Douglas Ziegler, Fire Police Captain/Firefighter, Bridgeport Fire Co. No. 1

Hannah Rhoded, EMT-B, Bossier Parish EMS

Natalya Risher, EMT, Action Ambulance

Larry Bammer, Detective, Laguna Beach PD

Rebecca Garber, Detective, Charlotte-Mecklenburg Police Department

Corrinne Rosquillo, EMT, Guilford County EMS

Lance Langsford, Captain, Firefighter, IFD

Wilna Alexis, PCT, Healthcare

Jonathan Lowe, Sergeant, San Diego Police Department

Nicole Tolentino, Paramedic, HCA

Sandra Withrow Character, Paramedic, Polk County Fire Rescue

Justyn Acord, NREMT-B, Baycare

Christopher Welborn, Deputy 1st Class, Escambia County Sheriff's Office

Roger Lafferty, Patrol Corporal, City of Durham Police Department

Nicholas Augustine, Lieutenant, Montgomery County Police Department

Jacqlyn Lowe, EMT-I

Don Lucas, Flight Paramedic, Mercy Medical Center

Gavin Logan, Security Officer - II, JBM Patrol & Protection

Becky Albritton, Paramedic, AMR

Mark Ater, Patrolman, Union City Ohio Police Department

Brenda Berkman, Captain (retired), New York City Fire Department

Matt Blinn, Search and Rescue, TVSR

Janelle Boone, Paramedic Commander, Austin Travis County EMS

Dylan Boucher, Firefighter, Chesapeake City Volunteer Fire Company

Brenda Bucci, Lieutenant, Indianapolis Fire Department

Lisa Van Buskirk, Firefighter, City of Madison Fire Department

William Chappell, Federal Food Safety Inspector

Gene Conus, Deputy Coroner, County Coroner

William Crites, Corrections Deputy, Cape Girardeau County Sheriff's Office

John Dewart, Volunteer Firefighter, Lake Bluff Fire Department

Jullissa Fernandez, Supervisor, Diohom

Carol Foell, Member, CART, CERT, MRC

Lily Freese-Posthuma, Firefighter, Marshall Township

Alan Gardner, EMT Basic, Elite Ambulance

Kim Griffin, Communications Supervisor, Tift County E911

Kelly Hornik, EMTB

Tiffany Istre, Nationally Registered Paramedic and Trainer, Care Ambulance

Samantha Kish, Firefighter, EMT, Jarrell Fire Department

Matthew Knight, EMT, Retired

Michael Kuykendall, Policeman, Milwaukee Police Department

Jennifer Ladd, Paramedic-IC Director, Trails West EMS

Elaina LoAlbo, EMT, Scotch Plains Rescue Squad

Paula Martinez, Police Officer, Gunnison County Sheriff's Office

Valerie Mora, Detective, Laredo Police Department

Gregory Mullen, Firefighter, Fire Department

Erica Myers, Paramedic

Thomas Newland, Paramedic, Medstar

Valerie Norman, Communications, Cleveland Police

Michael Phillips, Police Officer, Peninsula Police

Jennifer Purdue, Paramedic, CHI

Deborah Quinn, Firefighter/Paramedic

Christopher Raahauge, Deputy Correctional Officer

George Robards, Captain/EMT, Cornelius Fire Department

Paisley Robards, Emergency Responder

William Sanford, EMT-B, Rural Metro Medical Services Corning, NY

Stephen Schmidt, FTO/EMT, Lifeguard

Rhonda Scott, Lieutenant, Tallahassee Police Department

Bobby Sims, Dispatch Supervisor, American Ambulance

Paul Smith, Police Officer, Department of Veteran Affairs Police

Ashley Stelmack, EMT, First Responder, Arbor Vitae Fire and Rescue

Jamie Stephens, Firefighter, VFD

Eric Viscarra, EMT 1A

Kenneth Webster, Firefighter (Ret.), Indianapolis Fire Department

Nicole West, Firefighter, Loretto Fire Dept.

Myla Williams, Lieutenant/EMS Duty Officer

Christi Wolfe, Communications Specialist 2 - 911 Dispatcher, Salem Police/Willamette Valley Communications Center

Ray Yarbrough, Deputy, Probation Department

The following organizations are amici:

Out To Protect, Inc. creates awareness of the gay, lesbian, bi-sexual, and transgender law enforcement professionals

Gay Officers Action League New York addresses the needs of gay and lesbian law enforcement personnel in New York